Court No. 2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 2611 of 2001
(Old No. 28943 of 1992)

Ajit Kumar Puthia S/o Ram Kumar Puthia,
R/o Jaspur, P.O. Jaspur, District Nainital
..... Petitioner.

Versus

1. Chairman/ General Manager, The Kisan Sahkari Sugar Mill Nadehi
2. President Saradhan Committee & Sahayak Shramayukta, Kumaon Region, Haldwani

..... Respondents.

Shri Gopal K. Verma, learned counsel for the petitioner.
Shri C.K. Sharma, learned counsel for the respondents.

Dated: 28.09.2005

Hon'ble P.C. Verma, J.

This writ petition has been filed by the petitioner-seeking writ of Certiorari quashing the impugned judgment and award dated 15.06.1992, passed by Respondents No. 2.

2. Briefly facts of the case are that petitioner was engaged as Accounts Clerk with the petitioner's establishment on 01.06.1983 and he worked as such upto 30.03.1985. On 31.03.1985, the services of the petitioner were retrenched without giving any notice or compensation. Thereafter, the workman met his employer several times, but he was never given any satisfactory reply. Feeling aggrieved, on 04.03.1991, the petitioner presented his case under Section 2-A of U.P. Industrial Disputes Act, 1947 alongwith application for condonation of delay. The Respondent No. 2 vide his order-dated 15.06.1992 rejected the claim of the petitioner on the ground of delay. Feeling aggrieved, the petitioner has come up in the writ petition.

3. I have heard learned counsel for the parties and perused the material on record.

4. Leaned counsel for the petitioner submitted that the petitioner initially presented his dispute to Respondent No. 2 on 16.10.1987, which was forwarded by Respondent No. 1 to the Government and got rejected on 28.05.1988. The petitioner submitted his representation against the said order, which were also got dismissed on 10.10.1988. Thereafter, the petitioner again submitted his representation on 04.05.1990, which was also rejected and the petitioner was advised to put his case through Union and the advised was received on 21.12.1991. Thereafter, he filed the claim before Respondent No. 2 alongwith application for condonation of delay by which the impugned order has been passed. I find force in the contention of learned counsel for the petitioner. The Respondent No.2 ought to have considered all these facts and could have allowed the application. Furthermore, in the Industrial Disputes Act, there is no provision of delay in filing the claim. Hence, the order- dated 15.06.1992 passed by Respondent No. 2 cannot be sustained in the eye of law and is liable to be dismissed.

5. Therefore, the order-dated 15.06.1992 is hereby quashed. Hence, the writ petition is allowed. No order as to costs.

(P.C. Verma, J.)

Rajeev Dang